

1 NAOMI CHUNG (SBN 283743)
2 Pier 9, Suite 100
3 The Embarcadero
4 San Francisco, California 94111
5 Telephone: (415) 746-9080
6 Fax: (415) 484-7054
7 naomichung@defenseaid.com

5 BRENDAN HICKEY (CSBN 261794)
6 Pier 9, Suite 100
7 San Francisco, CA 94111
Telephone: (415) 494-8444
Fax: 415-735-3544
brendan@defender-services.com

9 Attorneys for Defendant
GREGORY BELCHER

16 UNITED STATES OF AMERICA,
17 Plaintiff,
18 v.
19 GREGORY BELCHER,
20 Defendant.

NO. CR16-0211-LHK

**MOTION AND DECLARATION FOR A
SUBPOENA DUCES TECUM
PURSUANT TO FED. R. CRIM P. 17(c)**

I. Motion for a 17(c) Subpoena

23 Federal Rule of Criminal Procedure 17(c)(1) pertains to subpoenas to
24 produce documents and objects, and provides:

25 A subpoena may order the witness to produce any books,
26 papers, documents, data, or other objects the subpoena
designates. The court may direct the witness to produce

the designated items in court **before trial** or before they are to be offered in evidence. When the items arrive, the court may permit the parties and their attorneys to inspect all or part of them. (Emphasis added).

4 Local Criminal Rule 17-2(a) makes clear that in order for a defendant to obtain
5 documents prior to trial, he must obtain an order pursuant to Rule 17(c) of the
6 Federal Rules of Criminal Procedure. Defendant, Dr. Gregory Belcher, through
7 undersigned counsel, hereby requests that this Court authorize the service of this
8 subpoena for production of documents pursuant to Fed. R. Crim. Pro. 17(c). The
9 parties to be served and addresses where they accept service:

Anthem

Legal Department
2155 Oxnard St.
1st Floor
Woodland Hills, CA 91367

Aetna

HIPPA Members Rights & Subpoena Team
151 Farmington Ave., AN33
Hartford, CT 06156

Blue Shield California

Kevin Hardin
3300 Zinfandel Dr.
Rancho Cordova, CA 95670

Cigna Health & Life Insurance

Cigna Corporate Headquarters
Special Investigations Unit
900 Cottage Grove Road
Bloomfield, CT 06002

UnitedHealthcare Optum

CT Corporation System
Unitedhealthcare Optum
818 W. 7th St.
Los Angeles, CA 90017

1 The attached subpoena is necessary for the preparation of Dr. Belcher's
2 defense at trial. The documents sought will aid proving that there was no scheme to
3 commit billing fraud in Dr. Belcher's medical practice. The requested documents are
4 critical to defense counsel's ability to effectively investigate and prepare Dr. Belcher's
5 defense and cross-examine government witnesses, including government agents and
6 representative(s) from the above-referenced health care benefit plans. This request is
7 also supported by Dr. Belcher's constitutional right for compulsory process and the
8 right to present a defense (the latter of which is supported by several clauses of the
9 Constitution). *Cf. Chambers v. Mississippi*, 410 U.S. 284, 302 (1973).

12 Local Criminal Rule 17-2(a)(1) further specifies that the motion for such an
13 order must be supported by a declaration establishing specifying the facts supporting
14 the issuance of the subpoena along with a proposed order. Dr. Belcher submits the
15 declaration of his attorney, Naomi Chung, which is incorporated below, in support of
16 his motion.

18 **II. Declaration of Counsel**

19 I, Naomi Chung, hereby declare under penalty of perjury:

20 1) I am an attorney admitted to practice in the State of California and before
21 the federal district court for the Northern District of California. I have been retained
22 to represent Dr. Gregory Belcher in the above-referenced case. Unless otherwise
23 noted, I make this declaration of my own personal knowledge, and if called as a
24 witness, I could and would testify competently to the contents hereof.

26

27

28

1 2) Dr. Belcher is charged by superseding indictment with violations of 18
2 U.S.C. § 1349, conspiracy to commit health care fraud (Count 1); 18 U.S.C. §§
3 1347(a)(1) and (2), health care fraud (Counts 7-10); 18 U.S.C. § 1035, false statements
4 relating to health care matters (Counts 16 & 17); 18 U.S.C. § 1956(h), conspiracy to
5 commit money laundering (Count 18), and 18 U.S.C. § 1956(a)(1)(B)(i) and 2, money
6 laundering (Counts 19- 24).

7 3) At trial, Dr. Belcher intends to prove that any inaccuracies in his billing do
8 not stem from a scheme to defraud the aforementioned health care benefit plans and
9 the information and documents requested in the attached subpoena are necessary for
10 me to effectively investigate and prepare Dr. Belcher's defense.

11 4) The information and documents requested in the attached subpoena are also
12 critical in our preparation to cross-examine the government's witnesses. The
13 government's witness list indicates their intention to call representatives from each
14 of the health care benefit plans to testify in the government's case-in-chief.

15 5) The information and documents requested in the attached subpoena are
16 particularly critical to the preparation of Dr. Belcher's defense because the
17 government intends to introduce thousands of pages of medical records and
18 spreadsheets prepared by these aforementioned health care benefit plans at trial in
19 the government's case-in-chief.

20 6) The targeted materials are both evidentiary and relevant. Dr. Belcher's
21 defense depends on refutation of the allegation that he submitted fraudulent billing
22 claims.

1 7) Given that there are approximately 18 days until trial and 14 days until Dr.
2 Belcher must file his witness and exhibit lists, it is critical that the defense obtain the
3 requested documents as soon as possible to provide Dr. Belcher sufficient time to
4 prepare for trial. Given these time constraints, it would be exceedingly difficult to
5 obtain the requested documents other than a subpoena under Fed. R. Crim. Pro.
6
7 17(c).

8) This application is made in good faith, and not for the purpose of general
discovery. Rule 17(c) implements the Sixth Amendment guarantee that an accused
enjoys the right to compulsory process to secure favorable evidence. *United States v.*
Nixon, 418 U.S. 683, 711-712 (1974); *United States v. Jenkins*, 895 F.Supp. 1389,
1395 (D. Hawaii 1995). Dr. Belcher intends to introduce the records at trial as a
corroboration of his defense.

15 9) This court should therefore authorize the attached 17(c) subpoenas for
16 production of documents, and authorize a protective order to control the use and
17 disclosure of records containing protected health information.
18

Respectfully submitted,

Dated: October 4, 2017

/s/

1 [PROPOSED] ORDER

2 IT IS HEREBY ORDERED that the motion for subpoena pursuant to Fed. R.
3 Crim. Pro. 17(c) for specified documents is GRANTED.

4 The court hereby ORDERS that the return on the subpoena duces tecum
5 issued by defendant Dr. Gregory Belcher is subject to the following protective rules:

6 (A) the parties are prohibited from using or disclosing health information for a
7 purpose other than the litigation; (B) the parties must return the information to the
8 covered entity, or destroy the protected information, at the end of the litigation or
9 proceeding.

10 It is further ORDERED that a certified copy of this order shall be served on
11 the custodian of records of (entity) to whom the subpoena duces tecum has been
12 directed.

13 **SUBPOENA DUCES TECUM**

14 The court hereby ORDERS that the attached subpoena duces tecum (form
15 CAND-98B) is GRANTED. The subpoenaed documents may be returned directly to
16 counsel for Dr. Gregory Belcher, in electronic format, at
17 naomichung@defenseaid.com or via mail to the following address:

18 Law Office of Naomi Chung
19 Pier 9, Suite 100
20 San Francisco, CA 94111

21 The Attached CAND-98B will contain the rule 17-2(c) advisement.

22 **IT IS SO ORDERED.**

23 Dated: _____

24 HONORABLE HOWARD R. LLOYD
25 United States Magistrate Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

SUBPOENA TO PRODUCE
DOCUMENTS OR OBJECTS
IN A CRIMINAL CASE

v.

Case No.: CR16-0211-LHK

GREGORY BELCHER

Defendant(s).

TO: AETNA - HIPPA Members Rights & Subpoena Team
 151 Farmington Ave., AN33, Hartford, CT 06156

YOU ARE COMMANDED to produce at the place, date, and time specified the document(s) or object(s) indicated below. If compliance would be unreasonable or oppressive, you may file a motion requesting the court to quash or modify the subpoena, to review the documents in camera, or to permit production only pursuant to a protective order.

PLACE					COURTROOM/JUDGE
<input type="checkbox"/> U.S. Courthouse 450 Golden Gate Ave. San Francisco, CA 94102	<input checked="" type="checkbox"/> U.S. Courthouse 280 South First St. San Jose, CA 95113	<input type="checkbox"/> U.S. Courthouse 3140 Boeing Ave. McKinleyville, CA 95519	<input type="checkbox"/> U.S. Courthouse 1301 Clay Street Oakland, CA 94612		8 / LUCY H. KOH

DATE AND TIME
10/17/2017 00:00

If the document(s) or object(s) are produced in advance of the date specified, either to the court in an envelope delivered to the clerk's office or to the issuing attorney whose name and address appears below, no appearance is necessary.

The following document(s) or object(s) shall be produced:

See Attachment A.

Please produce all documents in electronic format (if possible) at naomichung@defenseaid.com or via mail to
 Law Office of Naomi Chung
 Pier 9, Suite 100
 San Francisco, CA 94111

NOTE: Subpoena forms requiring the appearance of a witness to testify at a criminal proceeding or to testify and bring documents to a criminal proceeding, must use Form CAND 89A, *Subpoena to Testify in a Criminal Case* or for the production of state law enforcement personnel or complaint records (CAND 89C, *Subpoena to Produce State Law Enforcement Personnel Or Complaint Records in a Criminal Case*) are available at the Court's website: cand.uscourts.gov.

U.S. MAGISTRATE JUDGE OR CLERK OF COURT	DATE
(By) Deputy Clerk	

ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER:

Naomi Chung, Esq.
 Pier 9, Suite 100
 San Francisco, CA 94111
 415. 746. 9080

CAND 89B (Rev. 6/17) Subpoena to Produce Documents or Objects in a Criminal Case

PROOF OF SERVICE		
RECEIVED BY SERVER	DATE	PLACE
SERVED	DATE	PLACE
SERVED ON (PRINT NAME)	FEES AND MILEAGE TENDERED TO WITNESS <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$	
SERVED BY (PRINT NAME)	TITLE	
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.		
Executed on	DATE	SIGNATURE OF SERVER
		ADDRESS:
ADDITIONAL INFORMATION		

United States v. Gregory Belcher, No. CR16-0211-LHK
Subpoena Duces Tecum

Attachment A

The following documents or objects shall be produced:

1. All written communications between 2008 and 2015 between Aetna and:
 - a. Dr. Gregory Belcher
 - b. Dr. Belcher's staff
 - c. U.S. government agents, *or*
 - d. attorneys related to Dr. Belcher.
2. Any internal communications (emails, messages, memos, notes, etc.) related to Dr. Belcher.
3. The investigation file for the fraud/waste/abuse/SIU department and any audit file related to Dr. Belcher. This request includes any records of interviews related to Dr. Belcher (e.g. interviews of Dr. Belcher's patients) and the results of any investigation(s).
4. Reimbursement rates applying to Dr. Belcher today and in 2013 for each of the following CPT codes ---
 - a. All therapeutic procedure codes: 97110, 97112, 97113, 97116, 97124, 97139, 97140, 97150, 97530, 97535, 97537, 97542
 - b. Surgery codes: 27130, 27134, 27236, 27332, 27434, 27443, 27447, 27487, 29981, 29823, 29826, 29881
5. Any and all internal guidance or policy documents (memos, emails, policies, etc.) containing the following information:
 - a. Identifying what types of billing patterns may indicate fraud and/or mistake by a medical provider.
 - b. Indicating what steps should be taken in the event of suspected provider fraud and/or billing mistakes.
6. The overall error rate for bills received from medical providers from 2008 to 2015.
7. List of all pending claims, i.e. claims that have not been denied or paid. List should include dates, patient/beneficiary name, service date, CPT codes submitted.

All requested information and documents are relevant and material, specific and limited in scope, and de-identified information cannot be used (45 CFR 164.512(f)(1)(ii)(C)).

The subpoenaed party is advised, pursuant to Criminal Local Rule 17-2(c) of the U.S. District Court for the Northern District of California, that if compliance would be unreasonable or oppressive, it may file a motion to quash or modify the

United States v. Gregory Belcher, No. CR16-0211-LHK
Subpoena Duces Tecum

subpoena, for an *in camera* review of the documents, or for an order to permit production only pursuant to a protective order.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

**SUBPOENA TO PRODUCE
 DOCUMENTS OR OBJECTS
 IN A CRIMINAL CASE**

v.

Case No.: CR16-0211-LHK

GREGORY BELCHER

Defendant(s).

TO: ANTHEM - Legal Department
 21555 Oxnard St., 1st Floor, Woodland Hills, CA 91367

YOU ARE COMMANDED to produce at the place, date, and time specified the document(s) or object(s) indicated below. If compliance would be unreasonable or oppressive, you may file a motion requesting the court to quash or modify the subpoena, to review the documents in camera, or to permit production only pursuant to a protective order.

PLACE					COURTROOM/JUDGE
<input type="checkbox"/> U.S. Courthouse 450 Golden Gate Ave. San Francisco, CA 94102	<input checked="" type="checkbox"/> U.S. Courthouse 280 South First St. San Jose, CA 95113	<input type="checkbox"/> U.S. Courthouse 3140 Boeing Ave. McKinleyville, CA 95519	<input type="checkbox"/> U.S. Courthouse 1301 Clay Street Oakland, CA 94612		8 / LUCY H. KOH

If the document(s) or object(s) are produced in advance of the date specified, either to the court in an envelope delivered to the clerk's office or to the issuing attorney whose name and address appears below, no appearance is necessary.

The following document(s) or object(s) shall be produced:

See Attachment A.

Please produce all documents in electronic format (if possible) at naomichung@defenseaid.com or via mail to
 Law Office of Naomi Chung
 Pier 9, Suite 100
 San Francisco, CA 94111

NOTE: Subpoena forms requiring the appearance of a witness to testify at a criminal proceeding or to testify and bring documents to a criminal proceeding, must use Form CAND 89A, *Subpoena to Testify in a Criminal Case*) or for the production of state law enforcement personnel or complaint records (CAND 89C, *Subpoena to Produce State Law Enforcement Personnel Or Complaint Records in a Criminal Case*) are available at the Court's website: cand.uscourts.gov.

U.S. MAGISTRATE JUDGE OR CLERK OF COURT	DATE
(By) Deputy Clerk	

ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER:

Naomi Chung, Esq.
 Pier 9, Suite 100
 San Francisco, CA 94111
 415. 746. 9080

CAND 89B (Rev. 6/17) Subpoena to Produce Documents or Objects in a Criminal Case

PROOF OF SERVICE		
RECEIVED BY SERVER	DATE	PLACE
SERVED	DATE	PLACE
SERVED ON (PRINT NAME)	FEES AND MILEAGE TENDERED TO WITNESS <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$	
SERVED BY (PRINT NAME)	TITLE	
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.		
Executed on _____	DATE	SIGNATURE OF SERVER
ADDRESS:		
ADDITIONAL INFORMATION		

United States v. Gregory Belcher, No. CR16-0211-LHK
Subpoena Duces Tecum

Attachment A

The following documents or objects shall be produced:

1. All written communications between 2008 and 2015 between Anthem and:
 - a. Dr. Gregory Belcher
 - b. Dr. Belcher's staff
 - c. U.S. government agents, *or*
 - d. attorneys related to Dr. Belcher.
2. Any internal communications (emails, messages, memos, notes, etc.) related to Dr. Belcher.
3. The investigation file for the fraud/waste/abuse/SIU department and any audit file related to Dr. Belcher. This request includes any records of interviews related to Dr. Belcher (e.g. interviews of Dr. Belcher's patients) and the results of any investigation(s).
4. Reimbursement rates applying to Dr. Belcher today and in 2013 for each of the following CPT codes ...
 - a. All therapeutic procedure codes: 97110, 97112, 97113, 97116, 97124, 97139, 97140, 97150, 97530, 97535, 97537, 97542
 - b. Surgery codes: 27130, 27134, 27236, 27332, 27434, 27443, 27447, 27487, 29981, 29823, 29826, 29881
5. Any and all internal guidance or policy documents (memos, emails, policies, etc.) containing the following information:
 - a. Identifying what types of billing patterns may indicate fraud and/or mistake by a medical provider.
 - b. Indicating what steps should be taken in the event of suspected provider fraud and/or billing mistakes.
6. The overall error rate for bills received from medical providers from 2008 to 2015.
7. List of all pending claims, i.e. claims that have not been denied or paid. List should include dates, patient/beneficiary name, service date, CPT codes submitted.

All requested information and documents are relevant and material, specific and limited in scope, and de-identified information cannot be used (45 CFR 164.512(f)(1)(ii)(C)).

The subpoenaed party is advised, pursuant to Criminal Local Rule 17-2(c) of the U.S. District Court for the Northern District of California, that if compliance would be unreasonable or oppressive, it may file a motion to quash or modify the

United States v. Gregory Belcher, No. CR16-0211-LHK
Subpoena Duces Tecum

subpoena, for an *in camera* review of the documents, or for an order to permit production only pursuant to a protective order.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

**SUBPOENA TO PRODUCE
 DOCUMENTS OR OBJECTS
 IN A CRIMINAL CASE**

v.

Case No.: CR16-0211-LHK

GREGORY BELCHER

Defendant(s).

TO: **BLUE SHIELD CALIFORNIA - Attn Kevin Hardin**
3300 Zinfandel Dr., Rancho Cordova, CA 95670

YOU ARE COMMANDED to produce at the place, date, and time specified the document(s) or object(s) indicated below. If compliance would be unreasonable or oppressive, you may file a motion requesting the court to quash or modify the subpoena, to review the documents in camera, or to permit production only pursuant to a protective order.

PLACE					COURTROOM/JUDGE
<input type="checkbox"/> U.S. Courthouse 450 Golden Gate Ave. San Francisco, CA 94102	<input checked="" type="checkbox"/> U.S. Courthouse 280 South First St. San Jose, CA 95113	<input type="checkbox"/> U.S. Courthouse 3140 Boeing Ave. McKinleyville, CA 95519	<input type="checkbox"/> U.S. Courthouse 1301 Clay Street Oakland, CA 94612		8 / LUCY H. KOH

If the document(s) or object(s) are produced in advance of the date specified, either to the court in an envelope delivered to the clerk's office or to the issuing attorney whose name and address appears below, no appearance is necessary.

The following document(s) or object(s) shall be produced:

See Attachment A.

Please produce all documents in electronic format (if possible) at naomichung@defenseaid.com or via mail to
 Law Office of Naomi Chung
 Pier 9, Suite 100
 San Francisco, CA 94111

NOTE: Subpoena forms requiring the appearance of a witness to testify at a criminal proceeding or to testify and bring documents to a criminal proceeding, must use Form CAND 89A, *Subpoena to Testify in a Criminal Case*) or for the production of state law enforcement personnel or complaint records (CAND 89C, *Subpoena to Produce State Law Enforcement Personnel Or Complaint Records in a Criminal Case*) are available at the Court's website: cand.uscourts.gov.

U.S. MAGISTRATE JUDGE OR CLERK OF COURT	DATE
(By) Deputy Clerk	

ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER:

Naomi Chung, Esq.
 Pier 9, Suite 100
 San Francisco, CA 94111
 415. 746. 9080

CAND 89B (Rev. 6/17) Subpoena to Produce Documents or Objects in a Criminal Case

PROOF OF SERVICE		
RECEIVED BY SERVER	DATE	PLACE
SERVED	DATE	PLACE
SERVED ON (PRINT NAME)	FEES AND MILEAGE TENDERED TO WITNESS <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$	
SERVED BY (PRINT NAME)	TITLE	
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.		
Executed on	DATE	SIGNATURE OF SERVER
		ADDRESS:
ADDITIONAL INFORMATION		

United States v. Gregory Belcher, No. CR16-0211-LHK
Subpoena Duces Tecum

Attachment A

The following documents or objects shall be produced:

1. All written communications between 2008 and 2015 between Blue Shield California and:
 - a. Dr. Gregory Belcher
 - b. Dr. Belcher's staff
 - c. U.S. government agents, *or*
 - d. attorneys related to Dr. Belcher.
2. Any internal communications (emails, messages, memos, notes, etc.) related to Dr. Belcher.
3. The investigation file for the fraud/waste/abuse/SIU department and any audit file related to Dr. Belcher. This request includes any records of interviews related to Dr. Belcher (e.g. interviews of Dr. Belcher's patients) and the results of any investigation(s).
4. Reimbursement rates applying to Dr. Belcher today and in 2013 for each of the following CPT codes ---
 - a. All therapeutic procedure codes: 97110, 97112, 97113, 97116, 97124, 97139, 97140, 97150, 97530, 97535, 97537, 97542
 - b. Surgery codes: 27130, 27134, 27236, 27332, 27434, 27443, 27447, 27487, 29981, 29823, 29826, 29881
5. Any and all internal guidance or policy documents (memos, emails, policies, etc.) containing the following information:
 - a. Identifying what types of billing patterns may indicate fraud and/or mistake by a medical provider.
 - b. Indicating what steps should be taken in the event of suspected provider fraud and/or billing mistakes.
6. The overall error rate for bills received from medical providers from 2008 to 2015.
7. List of all pending claims, i.e. claims that have not been denied or paid. List should include dates, patient/beneficiary name, service date, CPT codes submitted.

All requested information and documents are relevant and material, specific and limited in scope, and de-identified information cannot be used (45 CFR 164.512(f)(1)(ii)(C)).

The subpoenaed party is advised, pursuant to Criminal Local Rule 17-2(c) of the U.S. District Court for the Northern District of California, that if compliance

United States v. Gregory Belcher, No. CR16-0211-LHK
Subpoena Duces Tecum

would be unreasonable or oppressive, it may file a motion to quash or modify the subpoena, for an *in camera* review of the documents, or for an order to permit production only pursuant to a protective order.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

**SUBPOENA TO PRODUCE
DOCUMENTS OR OBJECTS
IN A CRIMINAL CASE**

v.

Case No.: CR16-0211-LHK

GREGORY BELCHER

Defendant(s).

TO: CIGNA HEALTH & LIFE INSURANCE - Corporate Headquarters, Attn Special Investigations Unit
 900 Cottage Grove Road, Bloomfield, CT 06002

YOU ARE COMMANDED to produce at the place, date, and time specified the document(s) or object(s) indicated below. If compliance would be unreasonable or oppressive, you may file a motion requesting the court to quash or modify the subpoena, to review the documents in camera, or to permit production only pursuant to a protective order.

PLACE					COURTROOM/JUDGE
<input type="checkbox"/> U.S. Courthouse 450 Golden Gate Ave. San Francisco, CA 94102	<input checked="" type="checkbox"/> U.S. Courthouse 280 South First St. San Jose, CA 95113	<input type="checkbox"/> U.S. Courthouse 3140 Boeing Ave. McKinleyville, CA 95519	<input type="checkbox"/> U.S. Courthouse 1301 Clay Street Oakland, CA 94612		8 / LUCY H. KOH

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 Pier 9, Suite 100
 San Francisco, CA 94111

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U.S. MAGISTRATE JUDGE OR CLERK OF COURT	DATE
(By) Deputy Clerk	

ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER:

Naomi Chung, Esq.
 Pier 9, Suite 100
 San Francisco, CA 94111
 415. 746. 9080

CAND 89B (Rev. 6/17) Subpoena to Produce Documents or Objects in a Criminal Case

PROOF OF SERVICE		
RECEIVED BY SERVER	DATE	PLACE
SERVED	DATE	PLACE
SERVED ON (PRINT NAME)	FEES AND MILEAGE TENDERED TO WITNESS <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$	
SERVED BY (PRINT NAME)	TITLE	
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.		
Executed on	DATE	SIGNATURE OF SERVER
		ADDRESS:
ADDITIONAL INFORMATION		

United States v. Gregory Belcher, No. CR16-0211-LHK
Subpoena Duces Tecum

Attachment A

The following documents or objects shall be produced:

1. All written communications between 2008 and 2015 between Cigna and:
 - a. Dr. Gregory Belcher
 - b. Dr. Belcher's staff
 - c. U.S. government agents, *or*
 - d. attorneys related to Dr. Belcher.
2. Any internal communications (emails, messages, memos, notes, etc.) related to Dr. Belcher.
3. The investigation file for the fraud/waste/abuse/SIU department and any audit file related to Dr. Belcher. This request includes any records of interviews related to Dr. Belcher (e.g. interviews of Dr. Belcher's patients) and the results of any investigation(s).
4. Reimbursement rates applying to Dr. Belcher today and in 2013 for each of the following CPT codes ---
 - a. All therapeutic procedure codes: 97110, 97112, 97113, 97116, 97124, 97139, 97140, 97150, 97530, 97535, 97537, 97542
 - b. Surgery codes: 27130, 27134, 27236, 27332, 27434, 27443, 27447, 27487, 29981, 29823, 29826, 29881
5. Any and all internal guidance or policy documents (memos, emails, policies, etc.) containing the following information:
 - a. Identifying what types of billing patterns may indicate fraud and/or mistake by a medical provider.
 - b. Indicating what steps should be taken in the event of suspected provider fraud and/or billing mistakes.
6. The overall error rate for bills received from medical providers from 2008 to 2015.
7. List of all pending claims, i.e. claims that have not been denied or paid. List should include dates, patient/beneficiary name, service date, CPT codes submitted.

All requested information and documents are relevant and material, specific and limited in scope, and de-identified information cannot be used (45 CFR 164.512(f)(1)(ii)(C)).

The subpoenaed party is advised, pursuant to Criminal Local Rule 17-2(c) of the U.S. District Court for the Northern District of California, that if compliance would be unreasonable or oppressive, it may file a motion to quash or modify the

United States v. Gregory Belcher, No. CR16-0211-LHK
Subpoena Duces Tecum

subpoena, for an *in camera* review of the documents, or for an order to permit production only pursuant to a protective order.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

**SUBPOENA TO PRODUCE
 DOCUMENTS OR OBJECTS
 IN A CRIMINAL CASE**

v.

Case No.: CR16-0211-LHK

GREGORY BELCHER

Defendant(s).

TO: CT CORPORATION SYSTEM - UnitedHealthcare Optum
 818 W. 7th St., Los Angeles, CA 90017

YOU ARE COMMANDED to produce at the place, date, and time specified the document(s) or object(s) indicated below. If compliance would be unreasonable or oppressive, you may file a motion requesting the court to quash or modify the subpoena, to review the documents in camera, or to permit production only pursuant to a protective order.

PLACE					COURTROOM/JUDGE
<input type="checkbox"/> U.S. Courthouse 450 Golden Gate Ave. San Francisco, CA 94102	<input checked="" type="checkbox"/> U.S. Courthouse 280 South First St. San Jose, CA 95113	<input type="checkbox"/> U.S. Courthouse 3140 Boeing Ave. McKinleyville, CA 95519	<input type="checkbox"/> U.S. Courthouse 1301 Clay Street Oakland, CA 94612		8 / LUCY H. KOH

If the document(s) or object(s) are produced in advance of the date specified, either to the court in an envelope delivered to the clerk's office or to the issuing attorney whose name and address appears below, no appearance is necessary.

The following document(s) or object(s) shall be produced:

See Attachment A.

Please produce all documents in electronic format (if possible) at naomichung@defenseaid.com or via mail to
 Law Office of Naomi Chung
 Pier 9, Suite 100
 San Francisco, CA 94111

NOTE: Subpoena forms requiring the appearance of a witness to testify at a criminal proceeding or to testify and bring documents to a criminal proceeding, must use Form CAND 89A, *Subpoena to Testify in a Criminal Case* or for the production of state law enforcement personnel or complaint records (CAND 89C, *Subpoena to Produce State Law Enforcement Personnel Or Complaint Records in a Criminal Case*) are available at the Court's website: cand.uscourts.gov.

U.S. MAGISTRATE JUDGE OR CLERK OF COURT	DATE
(By) Deputy Clerk	

ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER:

Naomi Chung, Esq.
 Pier 9, Suite 100
 San Francisco, CA 94111
 415. 746. 9080

CAND 89B (Rev. 6/17) Subpoena to Produce Documents or Objects in a Criminal Case

PROOF OF SERVICE		
RECEIVED BY SERVER	DATE	PLACE
SERVED	DATE	PLACE
SERVED ON (PRINT NAME)	FEES AND MILEAGE TENDERED TO WITNESS <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$	
SERVED BY (PRINT NAME)	TITLE	
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.		
Executed on _____	DATE	SIGNATURE OF SERVER
		ADDRESS:
ADDITIONAL INFORMATION		

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Attachment A

The following documents or objects shall be produced:

1. All written communications between 2008 and 2015 between UnitedHealthcare Optum and:
 - a. Dr. Gregory Belcher
 - b. Dr. Belcher's staff
 - c. U.S. government agents, or
 - d. attorneys related to Dr. Belcher.
2. Any internal communications (emails, messages, memos, notes, etc.) related to Dr. Belcher.
3. The investigation file for the fraud/waste/abuse/SIU department and any audit file related to Dr. Belcher. This request includes any records of interviews related to Dr. Belcher (e.g. interviews of Dr. Belcher's patients) and the results of any investigation(s).
4. Reimbursement rates applying to Dr. Belcher today and in 2013 for each of the following CPT codes ---
 - a. All therapeutic procedure codes: 97110, 97112, 97113, 97116, 97124, 97139, 97140, 97150, 97530, 97535, 97537, 97542
 - b. Surgery codes: 27130, 27134, 27236, 27332, 27434, 27443, 27447, 27487, 29981, 29823, 29826, 29881
5. Any and all internal guidance or policy documents (memos, emails, policies, etc.) containing the following information:
 - a. Identifying what types of billing patterns may indicate fraud and/or mistake by a medical provider.
 - b. Indicating what steps should be taken in the event of suspected provider fraud and/or billing mistakes.
6. The overall error rate for bills received from medical providers from 2008 to 2015.
7. List of all pending claims, i.e. claims that have not been denied or paid. List should include dates, patient/beneficiary name, service date, CPT codes submitted.

All requested information and documents are relevant and material, specific and limited in scope, and de-identified information cannot be used (45 CFR 164.512(f)(1)(ii)(C)).

The subpoenaed party is advised, pursuant to Criminal Local Rule 17-2(c) of the U.S. District Court for the Northern District of California, that if compliance

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would be unreasonable or oppressive, it may file a motion to quash or modify the subpoena, for an *in camera* review of the documents, or for an order to permit production only pursuant to a protective order.